

Dear Stakeholders:  
The Division is proposing that a new section be added to Chapter II, Part 2, as directed by HB12-1294. The new language is highlighted in yellow below. Any questions or written comments regarding this amendment should be provided by October 15, 2013 and directed to Laurie Schoder at [laurie.schoder@state.co.us](mailto:laurie.schoder@state.co.us).

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2 Health Facilities Regulation Division

3 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

4 CHAPTER II, GENERAL LICENSURE STANDARDS

5 6 CCR 1011-1 Chap 02

6 Part 2, LICENSURE PROCESS

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8 **2.14 PERFORMANCE INCENTIVE**

9 (A) A LICENSED HEALTH CARE ENTITY SHALL BE ELIGIBLE FOR A PERFORMANCE INCENTIVE IF THE  
10 DEPARTMENT'S ON-SITE RELICENSURE INSPECTION DEMONSTRATES THAT:

11 (1) THE LICENSEE HAS NO SIGNIFICANT DEFICIENCIES THAT HAVE NEGATIVELY AFFECTED THE LIFE,  
12 SAFETY OR HEALTH OF ITS CONSUMERS;

13 (2) THE LICENSEE HAS FULLY AND TIMELY COOPERATED WITH THE DEPARTMENT DURING THE ON-  
14 SITE INSPECTION;

15 (3) THE DEPARTMENT HAS FOUND NO DOCUMENTED ACTUAL OR POTENTIAL HARM TO  
16 CONSUMERS; AND

17 (4) IF SIGNIFICANT DEFICIENCIES ARE FOUND THAT DO NOT NEGATIVELY AFFECT THE LIFE, SAFETY  
18 OR HEALTH OF CONSUMERS, THE LICENSEE HAS SUBMITTED AND THE DEPARTMENT HAS  
19 ACCEPTED A PLAN OF CORRECTION AND THE DEPARTMENT HAS VERIFIED THAT THE DEFICIENT  
20 PRACTICE WAS CORRECTED WITHIN THE PERIOD REQUIRED BY THE DEPARTMENT.

21 (B) THE INCENTIVE PAYMENT SHALL BE CALCULATED AT 10 PERCENT OF THE AGENCY'S RENEWAL LICENSE  
22 FEE AND SHALL APPLY WHEN:

23 (1) THE INSPECTION IS COMPLETED WITH THE FULL AND TIMELY COOPERATION OF THE  
24 AGENCY,

25 (2) INSPECTION FINDINGS DO NOT DOCUMENT HARM OR POTENTIAL HARM TO  
26 CONSUMERS, AND

27 (3) CORRECTION OF THE DEFICIENT PRACTICE IS VERIFIED BY THE DEPARTMENT ON OR  
28 PRIOR TO THE RESPECTIVE DUE DATES.



(C) THE INCENTIVE PAYMENT SHALL BE PAID TO THE LICENSEE WITHIN 60 DAYS FOLLOWING THE ACCEPTANCE OF THE VALIDATION OF CORRECTION OF ALL CITED DEFICIENCIES, OR WITHIN 60 DAYS OF THE INSPECTION EXIT DATE IF NO DEFICIENCIES WERE CITED.

## CHAPTER XXVI - HOME CARE AGENCIES

### 6 CCR 1011-1 Chap 26

#### ~~5.4.4~~ Performance incentive

~~(A) An HCA may be eligible for a performance incentive if the department's onsite relicensure inspection demonstrates the HCA has no deficiencies that have negatively affected, or have the potential to negatively affect, its consumers.~~

~~(1) A negative effect is one that constitutes more than a minor inconvenience to a consumer.~~

~~(B) The incentive payment shall be calculated at 10 percent of the agency's renewal license fee and shall apply when:~~

~~(1) The inspection is completed with the full and timely cooperation of the agency,~~

~~(2) Inspection findings do not document harm or potential harm to consumers, and~~

~~(3) Correction of the deficient practice is verified by the department on or prior to the respective due dates.~~

~~(C) The incentive payment shall be paid to the licensee within 60 days following the acceptance of the validation of correction of all cited deficiencies, or within 60 days of the inspection exit date if no deficiencies were cited. [conforming change to harmonize with section 7 of HB 1294 and section 2.14 of these proposed rules regarding a performance incentive for all health care entities.]~~

#### ~~5.4.54~~ Branch and workstation fees

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#### ~~5.4.65~~ Revisit fee

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#### ~~5.4.76~~ Change of ownership fee